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11 Attorneys for Plaintiff
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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 KIMBERLY K. GONZALEZ, an individual,)
17) Case No. 06-07024 PJH
18 Plaintiff,)
19 v.) JOINT STIPULATION REQUESTING
20) 14-DAY CONTINUANCE OF BRIEFING
21 UNUM LIFE INSURANCE COMPANY OF) AND HEARING SCHEDULE
22 AMERICA; ONE WORKPLACE L.) AND ~~PROPOSED~~ ORDER
23 FERRARI LONG TERM DISABILITY)
24 PLAN; ONE WORKPLACE L. FERRARI, in) Hon. Phyllis J. Hamilton
its capacity as Plan Administrator of the One) United States District Judge
25 Workplace L. Ferrari Long Term Disability)
26 Plan,)
Defendants.)

1 For the reasons set forth below, the parties respectfully request that the Court
2 permit a 14-day continuance of the present briefing and hearing schedule on the parties' intended
3 cross-motions for judgment in this case.

4 1. This is an action for disability benefits and related relief under the Employee
5 Retirement Income Security Act, 29 U.S.C. § 1001 *et seq.* ("ERISA). The parties have
6 completed ADR under the Court's ADR Local Rules.

7 2. Under the Court's Case Management Conference Order, the parties are scheduled
8 to file cross-motions for judgment tomorrow, January 30, 2008, for hearing on a normal 35-day
9 schedule.

10 3. The parties respectfully request that the Court permit a 14-day continuance for the
11 briefing and hearing dates as follows:

Cross-Motions for Judgment:	February 13, 2008
Oppositions:	February 27, 2008
Reply Briefs:	March 5, 2008
Hearing:	Wednesday, March ²⁶ 12 , 2008 (or as soon thereafter as convenient to the Court's calendar).

18 The parties believe that this requested extension will not interfere with any of the
19 Court's deadlines and will allow the parties to properly present the matter for resolution by the
20 Court.

21 4. The parties urge that there is good cause for this request. More factual detail is
22 set forth in the immediately following paragraphs 5 & 6. Counsel for defendants is primarily
23 based in her firm's Nevada office. The recent storms have made travel between San Francisco
24 and that Nevada office especially difficult and the roads have from time to time been closed
25 without warning. The record to be filed with the parties' cross-motions exceeds 2000 pages.
26 While the parties have been cooperating in the assembly of the record, it continues to be a time-
27 consuming and difficult task that is hampered by the difficulties defendants' counsel has faced in
28 physically traveling between the two offices of her firm. Both plaintiff's and defendants'

1 counsel are small firms with limited staff who are able to assist in any significant way.
2 Moreover, as explained below, UNUM may need to augment the administrative record. If so,
3 counsel for both parties will require time to integrate additional documents, if any, into their
4 motions for summary judgment.

5 5. Defendants' counsel, Ms. Martin, had to appear in Federal District Court before
6 Judge Patel on Monday, January 28, 2008 for a 2:00 p.m. appearance. Ms. Martin lives and
7 works in Incline Village, Nevada. On her return home from Court her truck stopped due to some
8 unknown electrical problem and left her stranded on the side of the road for three hours. She had
9 to stay in a hotel in Sacramento overnight to arrange for her car to be towed to a repair shop.
10 Ms. Martin rented a car to return home the following day, but was stuck in the storm that hit the
11 Sierras and did not return until late afternoon today. Ms. Martin had planned to finalize the
12 summary judgment all day today, but did not have any time to work on it, due to problems
13 related to time spent dealing with her truck problems. Ms. Martin returned plaintiff counsel, Mr.
14 Baum's, telephone call from Monday regarding issues regarding the administrative record that
15 will be filed with the Court. Ms. Martin relayed her saga and stated that she was exhausted and
16 he indicated that he could use additional time to get the administrative record redacted and
17 scanned as there are over 2,000 pages, many containing confidential information and potentially
18 privileged. Based on this conversation, Ms. Martin and Mr. Baum jointly agreed to seek a one
19 week continuance from the Court to file the cross motions for summary judgment.

20 6. Additional good cause exists, because defendants have recently determined that
21 there are additional potentially relevant documents that will be produced to plaintiff. Claims
22 executive Mary Spugnardi of UNUM, while reviewing the administrative record in order to
23 execute a declaration in support of UNUM's motion for summary judgment, determined that
24 there is another claim number applicable to plaintiff in which some additional documents might
25 exist. Accordingly, it may be necessary for UNUM to augment the administrative record.
26 UNUM wants to err on the side of caution to make sure that UNUM has provided the entire
27 record to plaintiff.
28

1 7. The parties believe that this requested extension will not interfere with any of the
2 Court's deadlines and will allow the parties to properly present the matter for resolution by the
3 Court.

4 8. Accordingly, the parties respectfully request that the Court permit a 14-day
5 continuance of the briefing and hearing schedule for their cross-motions.

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7 Dated: January 29, 2008

ANNA MARTIN
RIMAC & MARTIN

8
9 by /s/ Anna Martin
10 ANNA MARTIN
11 Attorneys for Defendants

12 Dated: January 29, 2008

JULIAN M. BAUM
BAUM & WEEMS

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14 by /s/ Julian M. Baum
15 JULIAN M. BAUM
16 Attorneys for Plaintiff

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18
19 [proposed Order on following page]

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22 ///

[proposed]

ORDER

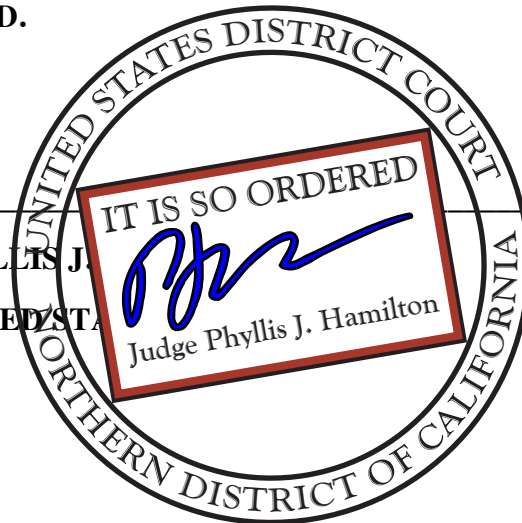
The parties having stipulated as set forth above, and good cause appearing to the Court's satisfaction, THE HEARING IS CONTINUED TO 3/26/08 AT 9:00 A.M.

IT IS SO ORDERED.

Dated: 1/30/08

PHYLLIS J.

UNITED STATES



1 **DECLARATION RE CONCURRENCE OF SIGNATORIES**
2 **UNITED STATES DISTRICT COURT, N.D. CAL.**
3 **GENERAL ORDER 45**
4

5 The undersigned ECF filer hereby attests that concurrence in the filing of the
6 foregoing document has been obtained from counsel for defendants and that a record supporting
7 this concurrence is available for inspection or production if so ordered.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct.

10 Dated: January 29, 2008 /s/ Julian M. Baum
11 Julian M. Baum
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